THE CONVEYANCER AND PROPERTY LAWYER

AUSTRALIA
The Law Book Co. of Australasia Pty Ltd.
Sydney : Melbourne : Brisbane

CANADA AND U.S.A.
The Carswell Company Ltd.
Toronto

INDIA
N. M. Tripathi Private Ltd.
Bombay

NEW ZEALAND
Legal Publications Ltd.
Wellington

PAKISTAN
Pakistan Law House
Karachi

THE CONVEYANCER

AND

PROPERTY LAWYER

EDITORS

EDWARD F. GEORGE, LL.B.

Solicitor of the Supreme Court

ERNEST H. SCAMELL, LL.M.,

of Lincoln's Inn, Barrister-at-Law

VOLUME 20

(New Series)

LONDON

SWEET & MAXWELL LIMITED

2 & 3 CHANCERY LANE

1956

PRINTED IN GREAT BRITAIN
BY
THE EASTERN PRESS LTD.
OF LONDON AND READING

ARTICLES IN VOLUME 20

PAGE

AGRICULTURAL GRANTS. By J. F. Phillips 215

AVOIDING SCYLLA AND CHARYBDIS. By J. F. Mackeson ... 126

BENEFICIAL OWNERSHIP OF THE MATRIMONIAL HOME. By A. G. Guest 467

BOOKS REVIEWED:

Alpe: Stamp Duties 424
Blundell and Wellings: Rent Restrictions Guide ... 342
Brown: Conversion of Old Buildings into New Homes 86
Cheshire and Fifoot: Contract 256
Current Legal Problems, 1956 515
Dymond: Death Duties, Supplement 514
Emmett: Title 88
Garner: Public Control of Land 255
Grundy: Tax Problems of the Family Company ... 514
Hanson: Death Duties 422
Hill and Redman: Landlord and Tenant 341
Jordan: Chancery Practice 256
Josling: Apportionments for Executors and Trustees 515
Josling: Change of Name 344
Keating: Building Contracts 86
Keeton: Equity 515
Kelly: Draftsman 342
Megarry: Miscellany-at-Law 87
Phillips: Probate Practice 255
Plunkett and Hosking: Retirement and other Annuities 422
Potter, Monroe and Plunkett: Tax Planning 513
Scrivens and Goodfellow: Rating 255
Stewart-Brown: Compulsory Purchase and Compensation 87
Wille: Landlord and Tenant in South Africa 343
Woodfall: Landlord and Tenant Supplement 344

BUYING TAX LOSSES. By P. E. Whitworth 28

CAPRICE IN THE LAW OF INTESTATE SUCCESSION. By Oliver Lodge 399

COAST PROTECTION CHARGES. By M. J. Russell 182

PAGE

Control of Hiring, Hire-Purchase and Credit Sale Agreements, 1956. By J. Ward 315

Conveyancer's Notebook ... 1, 89, 177, 257, 345, 425

Developer's Profits and Schedule D Tax. By Edward F. George 462

Discharge and Modification of Restrictive Covenants. By G. H. Newsom 477

Economics of the Conversion of Old Dwellings. By C. Bernard Brown 129

Effect of s. 56 (1) of the Law of Property Act, 1925. By D. W. Elliott 43, 114

Equitable Interests in Land; some Problems of Priority. By F. R. Crane 444

Finance Act, 1956. By D. R. Stanford 379

Hearings Before the Chief Land Registrar. By Sir George H. Curtis 194

Housing Acts and the Private Practitioner. By J. F. Garner 432

Judicial Powers of the Chief Land Registrar. By Theodore B. F. Ruoff 3

Licences to Remain on Land (other than a Wife's Licence). By R. H. Maudsley 281

Meaning of "Land" in the Property Legislation. By A. Kiralfy 10

Notes of Recent Cases:

Charities 68, 164, 327, 407
Landlord and Tenant ... 72, 167, 244, 332, 411, 506
Miscellaneous 81, 175, 420
Planning 71, 243, 331, 410, 504
Real Property 61, 160, 237, 322, 403, 503
Revenue 78, 171, 249, 337, 416, 508
Trusts 65, 164, 241, 324, 405
Wills 69, 166, 328, 503

Nuisances under the Public Health Acts. By J. F. Garner 265

Part II of the Landlord and Tenant Act, 1954. By L. A. Blundell and V. G. Wellings ... 92, 273, 453

Preparation and Presentation of a Rating Appeal. By Percy Lamb and Graham Eyre 141

PAGE

Preparing a Scott or Referee's Schedule. By Donald Keating 34

Procedure under the Public Health Acts, etc. By J. F. Garner 104

Registered Land—Rectification and Indemnity. By Theodore B. F. Ruoff 302

Registration of Restrictive Covenants. By R. Geoffrey Rowley 370

Repairs to Trust Property. By John Willcock ... 351

Retirement and Purchased Life Annuities. By H. G. Plunkett and G. A. Hosking 386

Revaluation for Rating and Rent Restricted Premises. By J. Muir Watt 83

Sewers and Drains and the Private Landowner. By J. F. Garner 361

Statutory "Easements." By J. F. Garner 208

Value of a Search Certificate. By A. G. Robinson ... 229

Void Promises as Consideration. By J. C. Smith ... 7

LIST OF PRECEDENTS IN VOLUME 20

AGREEMENT

PAGE

Agreement for Employment by a Company of a Part-Time Adviser entered into by a Person about to acquire a Controlling Interest in the Company 663

Agreement for Sale of Dentist's Practice where Purchase Money to be paid by Instalments 689

Agreement for Sale of Factory and Bungalow with Manufacturing Processes with provisions for payment of Annuity and Royalty and for continued Employment of Manager 717

Building Contract where no Architect employed and where Contract Sum fixed and to be provided by a Mortgagee and paid by fixed instalments as Work proceeds 786

APPOINTMENT OF NEW TRUSTEES

Appointment by Personal Representatives by Representation of new Trustees of Settlement created by Will, Trustees being Statutory Owners, with consequential Vesting Assent 705

Appointment of New Trustees of Settlement created by Will where Trustees are Statutory Owners, Deed of Declaration and Vesting Deed where there has already been a Vesting Instrument 709

CERTIFICATE OF VALUE

Certificates under Finance (No. 2) Act, 1956 751

COMPANY

Agreement between private Company, its Shareholders and second Company whereby private Company capitalises part of Reserves and pays up Debenture which it is agreed shall be allotted to second Company who shall pay private Company's Shareholders therefor 796

Memorandum and Articles of Association of Company holding Communal parts of Block of Freehold Flats and having Powers of Management 727

EASEMENT

Grant of Water Rights with Cross Covenants 672

LICENCE

Licence to use Land for Grazing and Mowing during specified period of the Year 702

MORTGAGE PAGE

Agreement between Mortgagors and Surety whereby Mortgagors agree to indemnify Surety and grant him legal Mortgage in event of his discharging outstanding Mortgage Moneys 793

PARTNERSHIP

Deed of Dissolution of Partnership 779
Deed of Partnership between Medical Practitioners who have entered National Health Service whereby New Partner is introduced who is outside the Service 753

REGISTERED LAND

Scheme for selling Freehold Flats 799
Transfer of Freehold Flat in Converted House the Title to which has been previously Registered, a Service Company taking over the parts used in Common 651
Transfer of Lower Maisonette 696
Transfer of Upper Maisonette 700

SURRENDER

Surrender of Life Interest in Personalty to enable Funds to be Transferred to Remainderman 713

TRUST

Trust Deed for Creation of Fixed or Flexible Unit Trust 765

WILL

Will creating wide Discretionary Trusts for Collateral Relatives in all Degrees 680
Will settling Residue on several persons for Life and on the Death of the Survivor for their Children *per capita*, framed to reduce Estate Duty 668

LIST OF CASES NOTED

Aitken *v.* Aitken, 171
Alberti, *In the Estate of*, 70
Anglo-French Exploration Co. *v.* Clayson, 78, 251
Associated Artists *v.* C. I. R., 327
Atkinson *v.* Bettison, 73
Att.-Gen. *v.* Parsons, 160

Bagettes *v.* G. P. Estates, 75, 245
Bambridge *v.* C. I. R., 249
Barber *v.* Central Land Board, 332
Barclays Bank *v.* Stasek, 508
Barr's Contract, *Re*, 403
Beach *v.* Reid Corrugated Cases, 416
Betty's Cafés *v.* Phillips Furnishing Stores, 334
Bingham *v.* C. I. R., 79
Biss, *Re*, 166
Bolsom (Sidney) Investment Trust *v.* Karmios (E.) & Co. (London), 244
Boston's Will Trusts, *Re*, 241
Bridger *v.* Shoreham-by-Sea U. D. C., 505
British Transport Commission *v.* Westmorland C. C., 162, 241
Burden *v.* Hannaford, 77

Callaway, *Re*, 329
Central Land Board *v.* Saxone Shoe Co., 71
Cockerell's Settlement Trusts, *Re*, 324
Collis *v.* Cadle, 79
C. I. R. *v.* Buchanan, 338
C. I. R. *v.* Kenmare, 417
C. I. R. *v.* National Book League, 508
C. I. R. *v.* Universal Grinding Wheel Co., 253
Cooper *v.* Bailey, 504
Cooper's Conveyance Trusts, *Re*, 408
Cottam, *Re*, 68

Davis *v.* Miller, 410
Dicey, *Re*, 242
Dick, *Re*, 69
Dominant Sites *v.* Berkshire C. C., 331
Doring, *Re*, 69

East Riding C.C. *v.* Park Estate (Bridlington), 410
Egerton's Will Trusts, *Re*, 420
Ellenborough Park, *Re*, 61
Escoigne Properties *v.* C. I. R., 510
Esdaile *v.* Lewis, 333
Eve, *Re*, 330

Fairey *v.* Southampton C.C., 163, 403
Fisher *v.* Taylors Furnishing Stores, 245
Fleet Electrics *v.* Jacey Investments, 413
Fribance *v.* Fribance, 64

Gill *v.* Lewis, 246
Gilmour Caterers *v.* St. Bartholomew's Hospital, 169
Gold *v.* Brighton Corporation, 506
Goodrich *v.* Paisner, 334
Goody *v.* Baring, 239
Great Yarmouth Corporation *v.* Gibson, 163
Gresham's Settlement, *Re*, 326

Hammon *v.* Fairbrother, 248
Hanbey's Will Trusts, *Re*, 165
Hawkesley *v.* May, 65
Heelex Investments *v.* C. I. R., 252
Heyworth, *Re*, 324
Higgins *v.* Silverston, 414
Hills (Patents) *v.* University College Hospital, 72

Ingleton Charity, *Re*, 405

Jackson *v.* Croucher, 168
Jefferson *v.* Jefferson, 172

Labone *v.* Litherland U. D. C., 332
Lazarus Estates *v.* Beasley, 168

Lever Finance *v.* Needleman's Trustee, 322
Levermore *v.* Joby, 337
London County Council *v.* Farren, 506
London Hospital *v.* Jacobs, 336
Long (Peter) & Partners *v.* Burns, 240, 404
Lower *v.* Porter, 167
Lynch *v.* Thorne, 238

Maclean *v.* Trembath, 251
McKenna *v.* Porter Motors, 413
Merrett's Settlement Trusts, *Re*, 71
Miller *v.* Emcer Products, 161, 170
Milletts (Victoria) *v.* Northley House, 507
Milne's Executors *v.* C. I. R., 419
Milner *v.* Staffordshire Congregational Union, 237
Morton, *Re*, 503
Mountford *v.* Hodkinson, 247
Murray, *Re*, 328

Owen *v.* Gadd, 247

Parkes' Settlement, *Re*, 80, 253
Pelly's Will Trusts, *Re*, 66, 325
Peterborough Corporation *v.* Holdich, 81
Philips *v.* Ward, 239
Piper *v.* Muggleton, 333
Poole Corporation *v.* Blake, 64
Postill *v.* East Riding C.C., 411
Powell-Cotton's Resettlement, *Re*, 164
Practice Direction (Writ of Possession), 82

R. *v.* Paddington Rent Tribunal, *ex p.* Perry, 76
R. *v.* Tottenham Rent Tribunal, *ex p.* Northfield (Highgate), 415
Raine, *Re*, 164
Regis Property Co. *v.* Redman, 323, 335
Reohorn *v.* Barry Corporation, 411
Ropner's Settlement Trusts, *Re*, 405
Russell *v.* Russell, 175
Rust *v.* Goodale, 503

Sanderson *v.* C. I. R., 253
Saunders *v.* C. I. R., 418
Sharkey *v.* Wernher, 173
Sherrin *v.* Brand, 167
Sills *v.* Watkins, 76
Simmons, *Re*, 67
Smith *v.* East Elloe R. D. C., 243
Sobell Industries *v.* Cory Bros. & Co., 175
Songest, *Re*, 408
Sun Life Assurance Society *v.* Davidson, 250, 337

Treseder-Griffin *v.* Co-operative Insurance Society, 74, 246
Truman, Hanbury & Buxton's Application, *Re*, 63

Ulverston Hospital Building Trusts, *Re*, 409
Uniproducts (Manchester) *v.* Rose Furnishers, 169
Upsons *v.* Robins, 75

Vernon *v.* C. I. R., 407

Wale, *Re*, 406
Weigall's Will Trusts, *Re*, 339
Weiner, *Re*, 326
West Suffolk C.C. *v.* Rought (W.), 410
Wheeler *v.* Mercer, 73
Wilby, *Re*, 166
Wisbech St. Mary Parish Council *v.* Lilley, 171

Yahuda, *In the Estate of*, 329
Young, *Re*, 69

Zbytniewski *v.* Broughton, 415